

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael J. Stapleton,

Civil No. 09-3322 (MJD/JJG)

Plaintiff,

v.

ORDER

Michael Astrue,

Defendant.

This matter is before the undersigned on the report and recommendation of the United States Magistrate Judge. No objections have been filed to that report and recommendation in the time period permitted. Based on the report and recommendation of the Magistrate Judge, and being advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Stapleton's motion for summary judgment (Doc. No. 9) is **DENIED**.
2. The Commissioner's motion for summary judgment (Doc. No. 16) is **GRANTED**.
3. This litigation is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 1st day of November, 2010.

s/Michael J. Davis

MICHAEL J. DAVIS

Chief Judge

United States District Court